

**REMARKS**

By this Amendment, claims 7-12 and 18-23 are canceled, without prejudice, and claims 1, 4-6, 13 and 24 are amended. Furthermore, new claims 25-28 are added. Claims 3 and 14 were previously canceled. As a result, claims 1, 2, 4-6, 13, 15-17 and 24-28 are pending. Independent claims 1, 13 and 24 are amended to add the patentable limitation that the subscriber terminals are insulation displacement connectors. Dependent claims 4-6 are amended to correct inadvertent errors, and thereby provide proper antecedent basis. The amendments to dependent claims 4-6 merely clarify the existing limitations, and thus, do not narrow the scope of claims as originally filed. New independent claim 25 combines the limitations of canceled claims 7 and 9. New dependent claim 26 replaces canceled claim 8 and provides proper dependency from claim 25. New independent claim 27 combines the limitations of canceled claims 7, 10 and 11. New dependent claim 28 replaces canceled claim 8 and provides proper dependency from claim 27.

**Claim Rejections – 35 U.S.C. § 103**

Pursuant to paragraphs 1 and 2 of the above-referenced Office Action, claims 1, 2, 4-10, 12, 13 and 15-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Graham et al. (5,297,199) in view of Waas (6,188,560 B1) for the reasons stated therein. In particular, the Examiner asserts that it would have been obvious to one of ordinary skill at the time of the invention to modify Graham et al. “to place test contacts on the top as taught by Waas because Waas teaches the test contacts must be protected by grease and the grease would be best contained on top. If it was on the side, it may run off.” Office Action at page 3 (*without* citation to Waas).

Applicants respectfully traverse the rejection with respect to the claims as amended herein. Claims 1, 13 and 24 have been amended to include the patentable limitation that the subscriber terminals are insulation displacement connectors. Support for the limitation is found in Applicants' specification beginning at paragraph 20 (page 5, line 11). As set forth in the

Background of the Invention, screw type terminals are being largely replaced in newer protected Termination devices ("PTDs") with insulation displacement connectors ("IDCs") to which the subscriber tip and ring wires are connected. Viewing windows are typically formed through the cover and labels may be placed on the cover. The presence of the windows and/or the labels leaves insufficient room for test ports to be disposed through the cover above the subscriber terminals. Specification at para. 4 (page 2, lines 4-13). Accordingly, the cover must be opened and the test probes attached to each pair of the subscriber terminals to test the subscriber line and equipment. The test probes must then be disconnected and moved to the jack contacts in the jack provided on the termination device to test the subscriber bridge. The invention solves this problem by providing test ports through the cover that are electrically connected to the jack contacts when the cover is closed, and in one embodiment, are electrically connected to all of the subscriber terminals when the cover is opened. The references cited by the Examiner, either alone or in combination, do not disclose or fairly suggest insulation displacement connector type subscriber terminals. Accordingly, independent claims 1, 13 and 24, as amended herein are patentable.

Furthermore, there is no suggestion, motivation or teaching in the prior art to combine the references in the manner proposed by the Examiner. The Examiner asserts that Waas supplies the requisite suggestion, motivation or teaching to combine the references since it would be obvious "to place test contacts on the top as taught by Waas because Waas teaches the test contacts must be protected by grease and the grease would be best contained on top. If it [i.e., the test contacts] was on the side, it [i.e., the grease] may run off." One or more wire termination devices, and in particular line modules and PTDs, are typically secured in a network interface device (NID) to provide a demarcation point between telephone company (service) wiring and customer, or subscriber, wiring. The NID is mounted *sideways* on a wall of a structure, such as a residential home or other building. See Specification at para. 2 (page 1, lines 11-19) and FIG. 3 of US Patent 5,497,416 (Butler III, et al.). As a result, the test contacts are perpendicular to the wall of the structure and parallel to the ground when installed in the NID. The grease, if any, protecting the test contacts must be sufficiently viscous to not run out of the test ports regardless of their orientation relative to the local force of gravity. Thus, it would *not* be obvious, as

suggested by the Examiner, to place the test ports on the cover of the wire termination device for the purpose of preventing the grease, if any, protecting the test contacts from running out of the test ports. Without the necessary suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select and combine the cited references in the way that would produce the claimed invention, the Examiner *has not* met the burden to establish a *prima facie* case of obviousness. In the absence of any such suggestion, motivation, or teaching, it is presumed that the Examiner has impermissibly applied hindsight to utilize the disclosure of the application itself to arrive at the combination of references asserted to produce the claimed invention. In either instance, the rejection is improper and must be withdrawn. Accordingly, independent claims 1, 13 and 24 are patentable for at least this additional reason.

Dependent claims 2 and 4-6 depend directly from patentable base claim 1, and thus are likewise allowable for at least the same reasons. Dependent claims 15-17 depend directly or indirectly from patentable base claim 13, and thus, are likewise allowable for at least the same reasons. Claims 7-10, 12 and 18-23 are canceled. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 2, 4-10, 12, 13 and 15-24 under 35 U.S.C. § 103(a).

Pursuant to paragraph 3 of the Office Action, claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Graham et al. and Waas, as previously applied to base claim 7 above, and further in view of Chalmers (4,201,432) for the reasons stated therein. Applicants respectfully traverse the rejection. Claim 11 has been canceled. Accordingly, Applicants submit that the rejection of claim 11 under 35 U.S.C. § 103(a) is moot and should be withdrawn.

#### Response to Arguments

Pursuant to paragraph 4, the Examiner states that Waas teaches the test contacts must be protected by grease and that the grease would best be contained in a reservoir on top of the wire termination device. As discussed above, Applicants submit that grease is not required, and that the reservoir need not be on the top of the wire termination device for the grease to work.

**CONCLUSION**

In view of the foregoing amendments and remarks, reexamination and reconsideration of the application is respectfully requested. This Amendment After Final being fully responsive to the Office Action, Applicants submit that the application is now in condition for immediate allowance and solicit such favorable action on the part of the Examiner. The Examiner is encouraged to contact the undersigned directly to further the prosecution of any remaining issues, and thereby expedite allowance of the application.

This Amendment does not result in additional independent claims or total claims than paid for previously (5 independent and 14 total claims). Accordingly, no fee for excess independent or total claims is due. The Examiner is hereby authorized to charge any fee due in connection with the filing of this response to Deposit Account No. 19-2167. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not already accounted for, such an extension is requested and the fee should also be charged to Deposit Account No. 19-2167.

Respectfully submitted,



Christopher C. Dremann  
Attorney for Applicants  
Registration No. 36,504  
P. O. Box 489  
Hickory, N. C. 28603  
Telephone: 828/901-5904  
Facsimile: 828/901-5206

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) A wire termination device for providing a demarcation with subscriber lines comprising:

- a) a base having a plurality of insulation displacement connector type subscriber terminals and a telephone jack having jack contacts for interconnection with the subscriber terminals;
- b) a moveable cover associated with the base to be selectively closed thereon; and
- c) a conductive contact provided on the cover that is disposed within the jack when the cover is closed onto the base, the conductive contact having a portion that electrically connects with the jack contacts when the cover is closed, the conductive contact also being accessible from the exterior of the cover for providing a test contact against which a test probe may be placed to detect electrical connections established by the wire termination device while the cover is closed.

4. (Twice Amended) The wire termination device of claim 1 wherein the cover comprises a plug assembly having a prong portion and wherein the conductive contact comprises:

a bypass contact that is disposed upon an outer surface of the prong portion and positioned to avoid contact with the jack [contact] contacts; and

wherein the jack has a conductive member therein that is engaged by the bypass contact when the cover is closed, the conductive member being electrically connected to one of the jack [contact] contacts.

5. (Twice Amended) The wire termination device of claim 1 wherein the cover comprises a plug assembly having a prong portion and wherein the conductive contact comprises:

a metallic strip disposed along a side of the prong portion and having an outwardly biased portion; and

wherein the jack has a conductive member on a lateral sidewall that is engaged by the metallic strip when the cover is closed, the conductive member being electrically connected to one of the jack [contact] contacts.

6. (Twice Amended) The wire termination device of claim 1 wherein the cover comprises a plug assembly having a prong portion and wherein the conductive contact extends to a lower side of the prong portion and is positioned to physically contact at least one of the jack [contact] contacts when the cover is in the closed position.

13. (Twice Amended) A wire termination device comprising:

a base having a subscriber terminal assembly thereupon comprising a pair of insulation displacement connector type subscriber terminals;

a jack containing tip and ring contacts for establishing electrical connections with the subscriber [terminal assembly] terminals;

a movable cover for the base, the cover having a plug portion that is removably inserted into the jack when the cover is closed onto the base; and

a pair of conductive contacts provided on the cover, each of the conductive contacts being electrically interconnected with the subscriber [terminal assembly] terminals and presenting a test contact extending through the cover for placement of a test probe thereon.

24. (Once Amended) A wire termination device comprising:

a base having at least a pair of insulation displacement connector subscriber terminals and a telephone jack disposed thereon, the jack having jack contacts for electrical connection with the subscriber terminals;

a cover movably attached to the base to be selectively closed thereon; and conductive contacts provided on the cover that are disposed within the jack when the cover is closed onto the base, the conductive contacts having a first portion that extends outwardly from the cover and electrically connects with the jack contacts in the jack when the cover is closed and a second portion opposite the first portion that extends through the cover to define a test probe and electrically connects with the subscriber terminals on the base.